

The Honorable Richard A. Jones

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JUSTIN STONE, an individual,

Plaintiff,

vs.

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS,
STAFFORD CREEK CORRECTIONS
CENTER, STEPHEN SINCLAIR, SARAH
SYTSMA, HOWARD YARDLEY, D.
BREWER, RONALD HAYES, DR. J.
MCDANIEL,

Defendants.

NO. 3:21-cv-05511-RAJ-JRC

**STIPULATION FOR AND AGREED
ORDER OF DISMISSAL AND
REMAND**

This stipulation is between the Plaintiff Justin Stone and Defendants State of Washington, Department of Corrections, Stafford Creek Corrections Center, Stephen Sinclair, Howard Yardley, D. Brewer, Ronald Hayes, and Dr. J. McDaniel (hereinafter, "Stipulating Defendants"). In accord with Fed.R.Civ.P. 41(a)(1)(A)(ii) the parties hereby stipulate to the following:

1 1. The Court's DISMISSAL WITH PREJUDICE of all pending claims against the
2 individually named defendants Stephen Sinclair, Howard Yardley, D. Brewer, Ronald Hayes, and
3 Dr. J. McDaniel.

4 2. The Court's DISMISSAL WITH PREJUDICE of Plaintiff's Third Cause of
5 Action, brought under the Eighth Amendment to the United States Constitution.

6 3. The Court's REMAND of all remaining state law claims against the State of
7 Washington Department of Corrections and Stafford Creek Corrections Center to the Washington
8 State Superior Court pursuant to 28 U.S.C. §1447(c) for lack of subject-matter jurisdiction.

9 DATED this _31st___ day of May, 2022.

10 ROBERT W. FERGUSON
11 Attorney General

LAW OFFICE OF DONNA B. GIBSON, PLLC

s/ Donna Gibson

12 /s/ William C. Schwarz

13 WILLIAM SCHWARZ, WSBA #47122

Assistant Attorney General

Attorneys for Defendants

DONNA GIBSON, WSBA # 33583

Attorney for Plaintiff

ORDER

This matter comes before the Court on the parties' stipulation pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii). IT IS HEREBY ORDERED:

1. That all claims against the individually named defendants, Stephen Sinclair, Howard Yardley, D. Brewer, Ronald Hayes, and Dr. J. McDaniel, are hereby DISMISSED WITH PREJUDICE.

2. That Plaintiff's Third Cause of Action, brought under the Eighth Amendment to the United States Constitution, is hereby DISMISSED WITH PREJUDICE.

3. That all remaining state law claims against the State of Washington are hereby REMANDED for further disposition to Pierce County Superior Court.

DATED this 1st day of June 2022.


HON. RICHARD A. JONES

Presented by:

ROBERT W. FERGUSON
Attorney General

/s/ William C. Schwarz
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